

EXHIBIT 1

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION
SANDRA GLOWACKI, on behalf of her
minor children, D.K.G and D.C.G.,

Plaintiffs,

CASE NO. 11-cv-154891

vs

HOWELL PUBLIC SCHOOL DISTRICT,
JOHNSON "JAY" MCDOWELL, individually
and in his official capacity as a teacher
in the Howell Public School District,

Defendants.

The Deposition of DANIEL GLOWACKI, taken before me,
Jennifer Wall, CSR-4183, a Notary Public within and for the
County of Oakland, Acting in Washtenaw, State of Michigan, at 24
Frank Lloyd Wright Drive, Ann Arbor, Michigan on Wednesday,
September 19th, 2012.

APPEARANCES:

ERIN ELIZABETH MERSINO, ESQ.
The Thomas More Law Center
24 Frank Lloyd Wright Drive
Ann Arbor, Michigan 48106
(734) 827-2001

Appearing on behalf of Plaintiff.

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Ann Arbor, Michigan

Wednesday, September 19, 2012

1:45 p.m.

DANIEL GLOWACKI

was thereupon called as a witness herein, and after having been
first duly sworn to tell the truth, the whole truth and nothing
but the truth, was examined and testified as follows:

EXAMINATION

BY MS. BARTOS:

Q. State your name for the record.

A. Daniel Glowacki.

Q. And do you want to go by Daniel or Dan or --

A. Whatever is easiest.

Q. Okay. Daniel, did you talk with your father about coming
for his deposition today, him coming down here for his
deposition?

A. No, I haven't talked to him.

Q. Are you living at home right now?

A. Yes.

Q. All right. What are you doing for school?

A. I'm not going to school right now.

Q. And did you see your father this morning?

A. No.

Q. And did you see your father yesterday?

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APPEARANCES, CONTINUING:

SUZANNE P. BARTOS, ESQ.

Plunkett Cooney

535 Griswold, Suite 2400

Detroit, Michigan 48226

(313) 983-4741

Appearing on behalf of Defendant McDowell.

ROY H. HENLEY, ESQ.

Thrun Law Firm, PC

2900 West Road, Suite 400

East Lansing, Michigan 48826

(517) 484-8000

Appearing on behalf of Howell Public Schools.

ALSO PRESENT: Sandra Glowacki

Drake Glowacki

Cassandra Harmon-Higgins

Johnson "Jay" McDowell

WITNESS INDEX

Witness Examined by Page

DANIEL GLOWACKI Ms. Bartos 3

Mr. Henley 70

Ms. Bartos 80

Ms. Mersino 80

EXHIBIT INDEX

Exhibit No. Description Page

(None marked)

* * * * *

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A. Briefly.

Q. So what are you doing in life? You said you're not going to
school, what are you working on?

A. I work two jobs.

Q. Where were you working?

A. Walden Woods Resort in Hartland, B Line Bar and Grill in
Howell.

Q. What do you do at Walden Woods Resort?

A. I'm a cook.

Q. How long you been working there?

A. About five months.

Q. And how many hours a week do you work there?

A. Twenty or 25, depending on the week.

Q. What are your hours, usually?

A. It's weddings, so it depends on weddings.

Q. Would it be evening, I would assume mostly evenings?

A. Yes, evenings.

Q. So if there aren't any weddings, you don't work there,
correct?

A. No, I work at B Line.

Q. And how did you get that job?

A. Saw it in the paper and I had a class at Howell High School
for two years.

Q. In culinary?

A. Yes.

1 (Pages 1 to 4)

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1 Q. What name did you take?
 2 A. I don't remember that off the top of my head.
 3 Q. When is the last time you went to church?
 4 A. Say a month ago.
 5 MS. MERSINO: Objection to relevance.
 6 BY MS. BARTOS:
 7 Q. What has been your teaching -- what teachings have you
 8 received regarding homosexuality?
 9 A. Can you rephrase the question.
 10 Q. What teachings have you received regarding homosexuality,
 11 whether it's right or wrong, good or bad?
 12 A. I have been raised Catholic, so it's against my religion.
 13 That's how I have been raised.
 14 Q. Where did you learn that, is that from your parents or from
 15 Catholic --
 16 A. Religious ed.
 17 Q. When you say it's against your religion. What do you mean
 18 it's against your religion? Are homosexuals going to -- you
 19 know, are they going to be in purgatory the rest of their
 20 lives, are they going to go to hell, are they going to go to
 21 heaven?
 22 MS. MERSINO: Objection as to vague. You
 23 may answer.
 24 THE WITNESS: I'm not really sure. I don't
 25 really have a belief towards homosexuals. I just know that

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1 my religion doesn't don't support it.
 2 BY MS. BARTOS:
 3 Q. So now you're saying you don't have a belief towards
 4 homosexuals? You don't have an opinion on homosexuality?
 5 A. No, it's not an opinion. It's my belief.
 6 Q. So in your mind an opinion is different than a belief?
 7 A. Yes.
 8 Q. How about whether Jesus was married, is that an opinion or
 9 is that a belief?
 10 A. That would be a belief.
 11 Q. So it's your belief that -- I don't want to put words in
 12 your mouth. I'm not trying to trick you, but I just want to
 13 make sure I'm clear.
 14 What is your belief on homosexuality?
 15 A. I'm not really sure what you're asking.
 16 Q. All right. We are going to start over again then. I want
 17 to make sure I'm clear.
 18 To you, there is a difference between a
 19 belief and an opinion?
 20 A. Yes. Everyone has their opinion. Everyone is entitled to
 21 an opinion.
 22 Q. Right. What's your opinion on homosexuality?
 23 A. I don't have an opinion on homosexuality.
 24 Q. You don't have opinion at all?
 25 A. If I could have an opinion, I guess I would say I was

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1 against it. That's how I have been raised my whole life.
 2 That's my beliefs.
 3 Q. Okay. But now you're switching from beliefs to opinions.
 4 A. Yes.
 5 Q. Okay. You have told me before beliefs are different than
 6 opinions?
 7 A. They are. That's why I'm switching.
 8 Q. Okay. So your opinion is what on homosexuality?
 9 MS. MERSINO: Objection. Asked and
 10 answered.
 11 MS. BARTOS: I don't know what it is.
 12 THE WITNESS: I don't know what you are
 13 asking.
 14 BY MS. BARTOS:
 15 Q. Okay. What is your opinion on homosexuality? Is it good,
 16 bad, people going to go to jail, going to go to hell, going
 17 to go to heaven?
 18 MS. MERSINO: Objection. Improper lay
 19 opinion.
 20 MS. BARTOS: It's noted.
 21 BY MS. BARTOS:
 22 Q. What is your answer?
 23 A. I don't know how to answer your question.
 24 Q. Do you have an opinion on homosexuality?
 25 MS. MERSINO: Objection. Asked and

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1 answered.
 2 THE WITNESS: No.
 3 BY MS. BARTOS:
 4 Q. Do you have a belief on homosexuality?
 5 A. Yes.
 6 Q. What is your belief on --
 7 A. It's against my religion. It's against my beliefs.
 8 Q. When you say it's against your religion, what do you mean
 9 it's against your religion?
 10 A. As I was raised, homosexuality is against my religion. I
 11 was raised that it is right for a male and a female to be
 12 married, not another male and another male. That's how I
 13 was raised.
 14 Q. Okay. So you're saying it's not right for --
 15 A. Two men to be married, yes.
 16 Q. That's what I'm asking. When you're saying against your
 17 religion, that's what I want to know what do you mean?
 18 A. Yes. I think I need a break.
 19 MS. MERSINO: Okay. We are going to take a
 20 quick break. Five minutes?
 21 MS. BARTOS: Okay.
 22 (Short recess taken.)
 23 BY MS. BARTOS:
 24 Q. I asked you earlier if you ever had Mr. McDowell in -- as a
 25 teacher, you indicated no, correct?

8 (Pages 29 to 32)

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1 Q. Did Ms. Ash say anything along the lines of anti-bullying as
2 to what groups?
3 A. No.
4 Q. Did she mention at all homosexuals or gays?
5 A. Yes.
6 Q. What did she say about that?
7 A. I'm not exactly sure what she said, but I do remember
8 talking about them.
9 Q. Do you remember at all what was talked about?
10 A. No.
11 Q. Do you remember yourself saying anything in class about that
12 subject, about gays?
13 A. No, ma'am.
14 Q. Were you asked any questions about gays?
15 A. No, ma'am.
16 Q. So you go into fourth and fifth hour, were the teachers
17 wearing purple?
18 A. Not that I recall.
19 Q. Was there anymore talk about anti-bullying day?
20 A. No.
21 Q. How about just amongst the kids, up until you got to the
22 econ class, was there any talk about it?
23 A. I can't remember, no.
24 Q. Did you see any kids wearing purple, you know, purple
25 shirts?

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1 A. Yes.
2 Q. Did you ask them what that was all about?
3 A. (Shaking head negatively.)
4 Q. You're shaking your head no?
5 A. No.
6 Q. So you get to Mr. McDowell's class, and why don't you tell
7 me what happened.
8 A. I walked up to the classroom a little late, the bell already
9 rang. As I was walking up, he had Danielle Peterson
10 outside, and he was making her take off the confederate flag
11 belt buckle.
12 I walked into class, the projector screen was
13 down, like we were going to watch a movie or something.
14 And he started to explain about Tyler's army, his
15 purple shirt, what it represented and what it meant.
16 As he was talking about his shirt, I calmly
17 raised my hand and asked him why it was that Danielle
18 couldn't wear her confederate flag belt buckle, but
19 they could wear purple shirts and talk about it in
20 schools.
21 And he told me that the confederate flag
22 represented hanging and slashing of niggers, and that
23 it wasn't allowed in his classroom. And that it was
24 discrimination against blacks and stuff. And I said
25 that purple shirts are discriminating against

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1 Catholics, and I'm Catholic. And he told me if I was a
2 real Catholic, I would be going to a Catholic school.
3 I told him not everyone could afford Catholic
4 schools, and then at that point, he told me that -- I'm
5 blanking out.
6 Q. That's all right. Take your time.
7 A. He told me that if I was really against gays, that I could
8 leave his classroom. So I calmly picked up my backpack, and
9 I walked out in the hallway.
10 As I walking out in the hallway, Adam Shenk
11 raised his hand and said, "can I leave, too?" So me
12 and Adam were sitting in the hallway, and then as we
13 were sitting there, when Mr. McDowell came out and told
14 me that I was going to get suspended for being a racist
15 and a bigot and that he was going to write me up a
16 referral and I wasn't allowed back in his classroom.
17 Q. Okay.
18 A. Dave DeVries -- as all this was going on, Dave walked around
19 the corner and took us down to Dr. Sharp, where I got a
20 referral.
21 Q. Okay. Let me back you up. Danielle Peterson is taking off
22 her belt buckle in hallway or in class?
23 A. In the hallway.
24 Q. And we all know it was a confederate belt buckle, right?
25 A. Yes.

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1 Q. Has she been -- to your knowledge, has she been asked to
2 take that belt buckle off in the past?
3 A. Yes.
4 Q. And you know that's she's done it in the past?
5 A. Yes.
6 Q. Did she seem to have a problem with removing it?
7 A. Yes.
8 Q. Did she say anything to Mr. McDowell?
9 A. She didn't that day, but I'm not sure she has before.
10 Q. So you walk in the classroom. Is the door closed?
11 A. No.
12 Q. So you go the classroom, you see the projection screen down
13 like you're going to show a movie. McDowell comes in,
14 starts talking about his purple shirt, correct?
15 A. Yes.
16 Q. Does he say -- does he mention the word -- the name
17 Tyler Clemente?
18 A. Yes.
19 Q. Does he explain to you about suicide --
20 A. Yes.
21 Q. And so you -- were you the first person to ask him a
22 question at this point?
23 A. I believe so.
24 Q. And you asked him what, why Danielle couldn't wear her belt
25 buckle, what?

15 (Pages 57 to 60)

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1 A. Not really. I really didn't go into detail with it.
 2 Q. Did you -- well, did Dr. Sharp give you just a limited
 3 amount of time to write?
 4 A. No, sir.
 5 Q. Is there any reason that you didn't go into more detail in
 6 that statement?
 7 A. Was in high school, rush to go somewhere else, you know.
 8 Q. Where were you in a rush to go to?
 9 A. I'm not sure.
 10 Q. You mentioned that you applied to Schoolcraft College?
 11 A. Yes, sir.
 12 Q. And if I heard you right, you don't know whether or not you
 13 have gotten in yet?
 14 A. Yes.
 15 Q. Oh, you have gotten in?
 16 A. No, I don't know yet.
 17 Q. Did you have to disclose this incident in your application
 18 to Schoolcraft College?
 19 A. No, sir.
 20 Q. And if I remember, you didn't apply anywhere other than at
 21 Schoolcraft?
 22 A. No.
 23 Q. Just a quick tip, so our court reporter doesn't go after
 24 both of us, it's a lot easier if you -- I know you know
 25 often what I'm going to ask you --

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1 A. Yes.
 2 Q. But it's a lot easier for her to take it down, if you wait
 3 until I stop and then you get your answer.
 4 A. Okay.
 5 Q. Did you have to disclose this incident to any employer that
 6 you applied for work at?
 7 A. No, sir.
 8 Q. Do you know what happened to the disciplinary referral that
 9 you got?
 10 A. No, sir.
 11 Q. Do you know whether or not it stayed in your file?
 12 A. No.
 13 Q. Did you ever ask anyone?
 14 A. No.
 15 Q. Do you know whether or not Mr. McDowell got any kind of
 16 employment discipline because of what happened?
 17 A. I don't recall.
 18 Q. Let's talk a little bit about the anti-bullying seminar.
 19 Was that around February 2011, do you remember?
 20 A. I'm not sure on the time.
 21 Q. You mentioned there were some skits, right?
 22 A. Yes.
 23 Q. Do you remember what those skits were about specifically?
 24 A. Bullying and how to prevent it.
 25 Q. Was homosexuality involved in any of those skits?

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1 A. We watched a video about a homosexual girl who killed
 2 herself from being bullied.
 3 Q. Any other discussion of homosexuality during that
 4 anti-bullying seminar?
 5 A. No, sir.
 6 Q. About how long was that video about the girl?
 7 A. I don't recall.
 8 Q. Do you remember about how long the seminar was?
 9 A. Probably an hour, I want to say.
 10 Q. One class period or so?
 11 A. Yes.
 12 Q. We covered your religious beliefs pretty well, but do you
 13 know whether your religion takes a view on whether or not
 14 it's permissible to bully someone because they're
 15 homosexual?
 16 A. Can you rephrase that?
 17 Q. Sure. Do you have any religious belief about whether it's
 18 okay to bully someone because they're homosexual?
 19 A. No, sir.
 20 Q. Do you know whether your religion considers that right or
 21 wrong?
 22 A. To do what?
 23 Q. To bully someone because of their sexual orientation?
 24 A. No, sir.
 25 Q. You don't know?

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1 A. Yeah, I don't know.
 2 Q. Does the phrase homosexual lifestyle have any meaning to you
 3 at all?
 4 A. Can you restate that?
 5 Q. Sure. Do you know what the words homosexual lifestyle mean?
 6 A. Yes.
 7 Q. And what do they mean?
 8 A. It's a lifestyle that two men have together, or possibly
 9 two --
 10 Q. Two women?
 11 A. Yes.
 12 Q. Was there any discussion at school that you were involved in
 13 other than out in the hall with other students about the
 14 homosexual lifestyle?
 15 A. Not that I recall.
 16 Q. Did you ever discuss homosexual lifestyle with any employee
 17 of the Howell Public Schools?
 18 A. Not that I recall. Besides the incident.
 19 Q. Besides the incident, okay.
 20 With respect to the incident, do you remember
 21 using the phrase, "I don't accept gays"?
 22 A. Yes.
 23 Q. When did that come up?
 24 A. Well, not those words exactly, but --
 25 Q. Do you remember what words you actually used?

19 (Pages 73 to 76)

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1 A. "My religion doesn't accept gays".
 2 Q. Did Mr. McDowell have a response to that?
 3 A. Not that I recall.
 4 Q. Is there anything else you remember about the incident that
 5 we haven't talked about yet?
 6 A. No, sir.
 7 Q. Have you ever talked to Ron Wilson, the superintendent,
 8 about what happened?
 9 A. No, sir.
 10 Q. Have you ever talked to Lynn Parish about what happened?
 11 A. No.
 12 Q. Have you ever talked to any central office administrator
 13 about what happened?
 14 A. No, sir.
 15 Q. Did you ever talk to Mr. Moran about what happened during --
 16 A. No.
 17 Q. Have you ever personally read any of the Howell Public
 18 Schools board policies?
 19 A. No.
 20 Q. Have you ever been personally read any of the Howell Public
 21 School administrative guidelines?
 22 A. No, sir.
 23 Q. Have you read the student code of conduct?
 24 A. Yes.
 25 Q. Is there anything in the student code of conduct that you

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1 remember right now that you felt was against your religion?
 2 A. Not that I recall.
 3 Q. Did you ever talk to your brother, Drake, about what
 4 happened?
 5 A. Yes.
 6 Q. Do you remember about how many times you talked to Drake
 7 about that?
 8 A. I mean, he's a part of the family, so he is there for every
 9 discussion.
 10 Q. Did Drake ever tell you about how he felt about what
 11 happened?
 12 A. No.
 13 Q. Did Drake ever tell you about whether or not what happened
 14 to you impacted him at school?
 15 A. No.
 16 Q. Do you know if Drake ever made statements like that to
 17 anyone else in your family?
 18 A. No, sir.
 19 Q. Did you ever talk to any Howell school district
 20 administrator about the anti-bullying seminar?
 21 A. No.
 22 Q. Did you ever talk to anyone at Howell Public Schools about
 23 how it made you feel?
 24 A. No.
 25 Q. Let's talk a little bit about the video that you made here.

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1 Do you remember if the video was made before
 2 or after you graduated from high school?
 3 A. It was before.
 4 Q. And you graduated from high school this June?
 5 A. Yes.
 6 Q. 2012, correct?
 7 A. Yes.
 8 Q. Do you remember about how long before you graduated that the
 9 video was made?
 10 A. No. I want to say half a year, but it could have been
 11 longer.
 12 Q. About how long did it take to make the video?
 13 A. About half an hour.
 14 Q. Do you remember if it was one take or more than one more
 15 take?
 16 A. No.
 17 Q. Did you have a script to read off of for the video?
 18 A. No.
 19 Q. Did anyone tell you what to say during the video?
 20 A. No.
 21 Q. Did anyone give you any guidance at all about what to say?
 22 A. Nope.
 23 Q. Did anyone tell you what to talk about during the video?
 24 A. They were asking me questions, but that's it. Before the
 25 video started.

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1 Q. Okay. Who was asking you questions?
 2 A. I don't remember his name.
 3 Q. Did you know what the video was going to be used for?
 4 A. No.
 5 Q. Did anyone at school talk to you at all about the video?
 6 A. Yes, friends.
 7 Q. Other than friends, did anyone talk to you about the video?
 8 A. No.
 9 MR. HENLEY: I don't think I have any other
 10 questions. Thank you.
 11 REEXAMINATION
 12 BY MS. BARTOS:
 13 Q. Just one follow-up. Have you seen the video?
 14 A. Yes.
 15 Q. Do you agree with -- do you agree that you made the comments
 16 that are in the video? Meaning, I want to make sure that
 17 you don't think anyone changed your words or --
 18 A. Yeah, no.
 19 Q. That's what you said?
 20 A. Yes.
 21 MS. BARTOS: Okay. That's all I have.
 22 Thank you.
 23 EXAMINATION
 24 BY MS. MERSINO:
 25 Q. Is there anything that you need to clarify?

20 (Pages 77 to 80)